

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Jimmie Sylvanos West Jr

Docket No. 4:10-CR-52-BO

Petition for Action on Supervised Release

COMES NOW Jay Kellum, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Jimmie Sylvanos West Jr, who, upon an earlier plea of guilty to Possession of a Firearm by a Convicted Felon, in violation of 18 U.S.C. § 922(g)(1) and Possession With Intent to Distribute More Than 50 Grams of Cocaine Base (Crack), in violation of 21 U.S.C. § 841(a)(1), was sentenced by the Honorable James C. Fox, Senior U.S. District Judge, on March 1, 2011, to the custody of the Bureau of Prisons for a term of 120 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 5 years.

Jimmie Sylvanos West Jr was released from custody on July 29, 2015, at which time the term of supervised release commenced. Case reassigned to the Honorable Terrence W. Boyle effective June 21, 2017.

On February 25, 2016, a Petition for Action on Supervised Release was submitted to the Court after West tested positive for marijuana and cocaine. On February 25, 2016, the Court approved the petition requiring West to participate in a 60 day term of home detention, with electronic monitoring.

On May 26, 2016, a Violation Report was submitted to the Court after the West tested positive for cocaine on February 25, 2016. At that time, it was recommended that no action be taken since West was attending substance abuse treatment and participating in the home detention program.

On June 22, 2017, a Violation Report was submitted to the Court after West tested positive for marijuana and cocaine on April 24, 2017. At that time, it was recommended that the violation be held in abeyance, since West had been recently referred back to substance abuse treatment and enrolled in the surprise urinalysis program.

On June 14, 2018, a Violation Report was submitted to the Court after West tested positive for cocaine on May 16, 2018. At that time, it was recommended that supervision be permitted to continue since West was actively participating in a course of substance abuse treatment.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On August 9, 2018, West submitted to a urinalysis which tested positive for cocaine. On August 15, 2018, West was confronted with the results and denied recently using cocaine. Nevertheless, West remains an active participant in substance abuse treatment. Therefore, as a sanction for the violation conduct, the probation office respectfully recommends the conditions of supervised release be modified to include a 90 day term of home detention, with electronic monitoring. Considering West's financial situation, it is recommended the government pay for the services.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall abide by all conditions and terms of the home detention program for a period not to exceed 90 consecutive days. The defendant shall be restricted to their residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall submit to the following Location Monitoring: Radio Frequency monitoring and abide by all program requirements, instructions and procedures provided by the supervising officer.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Dwayne K. Benfield
Dwayne K. Benfield
Supervising U.S. Probation Officer

/s/ Jay Kellum
Jay Kellum
U.S. Probation Officer
200 Williamsburg Pkwy, Unit 2
Jacksonville, NC 28546-6762
Phone: (910) 346-5103
Executed On: August 27, 2018

ORDER OF THE COURT

Considered and ordered this 21 day of August, 2018, and ordered filed and
made a part of the records in the above case.

Terrence W. Boyle
Terrence W. Boyle
U.S. District Judge